

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 13, 2006

CALL TO PODIUM:

Greg Ossont

RESPONSIBLE STAFF:

Greg Ossont, Director
Planning and Code Administration

Trudy Schwarz, Community Planning
Director

Rob Robinson, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
x	Work Session Discussion Item
	Other:

TITLE:**JOINT WORK SESSION**

Site Plan Requirements and Amendment
Procedures

SUPPORTING BACKGROUND:

The joint work session will consist of a two part presentation.

The first presentation will focus on properties that are not currently under the purview of a site development plan. Staff will identify sections of the existing zoning ordinance that may warrant further review or modifications due to resident's concerns.

The second part of the presentation will focus on neighborhoods that are under the purview of a site development plan and the application procedures for amendments to single family residential properties in these areas. As part of this second presentation, staff will also discuss consent items and consent agendas.

Presentation: 15 Minutes

Attachments: *Index of Memoranda and Exhibits*
Power Point Slide Handouts

DESIRED OUTCOME:

Staff Guidance.

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item
is a public hearing)

Introduced	N/A
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

Site Development Plans

- A number of neighborhoods in the City do not have site development plans.
- As a result, modifications, alterations or additions to single family homes in these neighborhoods do not require Planning Commission review.
- In the past, this has caused concern among residents and interested parties because it does not provide an opportunity for public comment on the proposed project.

Examples of Neighborhoods that Do Not Have Site Development Plans

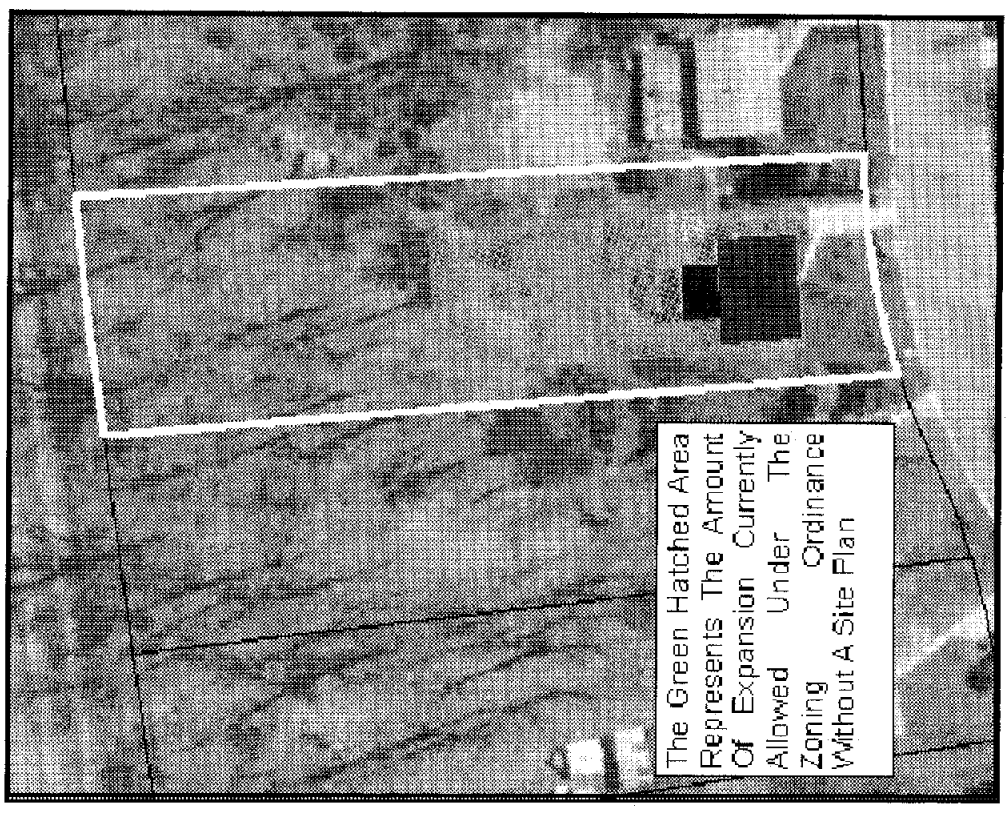
- Brighton East
- Realty Park
- Whetstone Run
- West Riding
- Observatory Heights
- Deer Park
- Westleigh
- Rosemont
- Brown's Addition
- Russell/Brooks Addition
- Walker's Addition

Current Requirements for Properties without Site Plans

- Residential additions and alterations require nothing more than a residential building permit
- Residential buildings permits require basic zoning and code compliance
 - Height limits
 - Setbacks
 - Lot coverage
 - Green space requirements
 - Residential building code requirements

Example of Residential Addition in the R-90 Zone

- May not exceed 35 feet in height
- Maximum lot coverage of 30%
- Rear and Front yard setbacks of 30 feet
- Side yard setbacks of 10 feet
- Green space requirement of 50%



Policy Issue

Should residential addition or alteration applications for properties not currently under the purview of a site development plan require the creation of a site plan and subsequent Planning Commission review?

Should there be a threshold that requires a site development plan for these properties?

Amending Site Development Plans

- **There are a number of neighborhoods in the City that are subject to Site Development Plans**
- **As a result, adding onto or expanding the footprints of single family homes in these neighborhoods requires a site plan amendment and Planning Commission review.**
- **This issue has raised concerns with some residents as well as with the Planning Commission because there is a perception that the process is complicated and excessive.**

Examples of Neighborhoods That Do Have Site Development Plans

- Kentlands
- Lakelands
- Quince Orchard Park
- Washingtonian Woods
- Hidden Creek
- Saybrooke
- Lakelands Ridge
- Bennington
- Montgomery Meadows
- Woodland Hills
- Gateway Commons

Submission Requirements for Amendments to Site Plan

- **\$300 application fee**
- **15 sets of plans**
- **Submittal deadline is approximately one month prior to Planning Commission hearing**
- **\$400 Sign Deposit (if abutting a street with more than two lanes)**

Current Requirements for Amending Site Plans

- **Submitted approximately one month in advance of Planning Commission hearing.**
- **Staff conducts an internal review and requests any changes, revisions, clarifications.**
- **Staff prepares a report for Planning Commission.**
- **Property is posted at least 9 days prior to hearing date.**
- **Applicant presents to the Planning Commission.**
- **Commission decision with/without conditions.**

Consent Items

- In the past, the City has placed many of these residential additions on a “Consent Agenda” for the Planning Commission. Consent items do not require a Planning Commission hearing although the Commission may elect to hold one upon review of the application.
- Under the advice of Counsel, it was determined that there is no allowance for these applications to be presented as Consent Items and therefore must be held as a Planning Commission hearing .
- As a result, all residential additions, regardless of size, are reviewed by the Planning Commission at hearing.

Policy Issue

Should all residential additions or alterations for properties that are under the purview of a site development plan require Planning Commission hearing review?

Current law allows Minor Amendments (Staff Approvals) for certain modifications to site plans but does not include approvals that would expand the building or footprint.

Should a threshold be implemented to allow smaller additions to be processed at Minor Amendments?

Should procedures for Consent Items be created and a threshold be implemented to allow smaller additions to be handled on a Consent Agenda with the Planning Commission?

(2) *Existing pawnshops regulation thereof.* Any pawnshops lawfully operating within the city as of the effective date of this section shall be subject to the following additional requirements and restrictions:

- (a) All existing pawnshops located within the city shall, by not later than September 1, 2001, be located only on property zoned I-3 and shall conform to the requirements of section 24-144 of this Code.
- (b) Any pawnshop not conforming to the requirements of section 24-167C(2)(a) above shall cease operations and shall not be a lawful nonconforming use.
- (c) Pawnshops in existence on land zoned other than in the I-3 Zone after the expiration of the period provided in section 24-167C(2)(a) above shall be subject to the enforcement procedures and penalties provided in section 24-184 of this Code.

(Ord. No. O-4-98, 4-6-98)

ARTICLE V. SITE DEVELOPMENT PLANS

Sec. 24-168. When required.

No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission. This requirement shall not apply to the use of any single-family dwelling for residential purposes.

Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his designee, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the zone and is substantially similar to the use to which the premises were put by the last prior occupant thereof, and the property on which the use is proposed to be located has been the subject of a site development plan approved by the planning commission. A proposed use shall not be deemed substantially similar to a prior use where this chapter imposes more stringent requirements for the proposed new use as to off-street parking, yards, height limits or minimum lot size. Notwithstanding the foregoing, no site development plan shall be required to be submitted or approved where the city manager or his designee, upon reviewing an application for a building permit for changes in an existing building, is satisfied that the proposed changes in the building will not increase the exterior dimensions of the building or substantially increase the usable space within the building.

(Res. No. R-19-66; Ord. No. O-3-73; Ord. No. O-6-79, § 2; Ord. No. O-1-88, 1-4-88)

Sec. 24-169. Submission; fee; requirements of plan.

Each proposed site development plan shall be submitted in duplicate to the city planning commission on forms provided by the city and shall be accompanied by such fee as shall be hereafter determined by the city council by resolution. A proposed site development plan shall include the following:

- (a) One or more drawings at fifty (50) feet or larger scale, clearly showing the following:
 - (1) Location and dimensions of existing and proposed buildings, structures, curb cuts, driveways, off-street parking and loading areas, signs, walls, fences, screen planting, pedestrian walks, open space and recreational areas for use by employees, residents, tenants or the general public.
 - (2) Existing and proposed topography of the site and the surrounding area at two-foot contour intervals showing the location of existing woodland streams and other significant features of the land.
 - (3) Proposed traffic circulation system where any part of the land is to be used by motor vehicles.
 - (4) The location of all existing and proposed power lines, telephone lines, gas lines, sewer lines and water lines, and the location of any easements to be granted for these utilities.
- (b) Drawings showing the proposed appearance of the buildings, structures and grounds after the completion of all buildings and structures and the establishment of the uses proposed on the land.
- (c) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by this chapter for the uses proposed, the number of employees expected per shift, the total floor area of proposed commercial uses and the proposed manner of illumination of signs.
- (d) A storm drainage study certified by a licensed surveyor or professional engineer and a proposed storm drainage plan.
- (e) Such other additional information as may be reasonably required by the planning commission to accomplish the purposes of the site development plan regulations.
- (f) Prior to final site plan approval, the applicant shall submit, unless waived by the planning commission, a final record plat reflecting the information required under sections 20-37 through 20-43. Such final plat must be approved by the planning commission prior to issuance of a building permit.
- (g) An approved forest stand delineation and forest conservation plan, if required pursuant to Chapter 22 of the City Code.

- (h) A Natural Resources Inventory (NRI) in substantial compliance with environmental guidelines adopted pursuant to and referenced in section 20-9 of the City Code and any amendments thereto.

(Res. No. R-19-66; Ord. No. O-8-81; Ord. No. O-22-92, 12-7-92; Ord. No. O-22-95, 9-18-95; Ord. No. O-13-00, 8-23-00)

Editor's note—A checklist may be obtained from the planning department along with a fee schedule.

Sec. 24-170. General conditions.

The city planning commission shall approve the site development plan only upon a finding by it that the buildings, structures and uses proposed will not:

- (a) Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.
- (b) Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.
- (c) Constitute a violation of any provisions of this chapter or any other applicable law, regulation or ordinance.
- (d) Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.
- (e) Be inharmonious or inconsistent with the environmental standards of the city adopted by the city council pursuant to section 20-9 of the City Code and any amendments thereto.

(Res. No. R-19-66; Ord. No. O-19-80; Ord. No. O-13-00, 8-23-00)

Sec. 24-170A. Special conditions.

The city planning commission may approve a site development plan for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof, or special conditions and requirements as to availability of public facilities only upon a finding that said site development plan is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such site development plans shall be subject to enforcement procedures and requirements applicable to site development plans generally as established by this Code.

The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

(Ord. No. O-23-84, §§ 1, 2, 12-3-84; Ord. No. O-1-04, 1-5-04)

Sec. 24-171. Site plan review.

(1) In the review and approval of a site development plan, the planning commission shall have the following powers which shall be exercised for the purpose of avoiding adverse impact on the neighboring properties and public facilities, reducing traffic hazards and improving traffic circulation within or without the property which is the subject of the plan, preserving existing desirable natural features, protecting environmental resources, assuring adequate light and air to buildings within or without the subject property, providing adequate access to such buildings by fire and rescue equipment, providing convenient access to such buildings from off-street parking spaces, avoiding overcrowding of persons and buildings within the development, ensuring the provision or development of recreational and other amenities, and facilitating the creation and maintenance of common or public open space, parking areas and private drainage systems.

- (a) To determine the location, size and shape of buildings;
- (b) To determine the location, design and dimensions of streets, driveways and parking areas;
- (c) To require parking facilities in addition to the minimum number of parking spaces otherwise required by this chapter;
- (d) To determine the maximum number of dwelling units to be located within any one building;
- (e) To determine the location of common open space;
- (f) To establish the finished grade of the property;
- (g) To establish minimum materials and design standards for private streets, driveways, parking areas and drainage systems, where such standards have not been established by ordinance;
- (h) To require screen planting or fencing;
- (i) To impose other conditions upon the approval of the plan where necessary to assure that the use of the property will be consistent with the purpose and intent of this chapter;
- (j) To determine whether the site development plan will achieve a maximum of compatibility, safety and efficiency, considering but not limited to the following functions: Height, building design, arrangement and scale of development; vehicular circulation system, including access and off-street parking and loading; environmental impact, landscaping, screening, buffering, open space, lighting, signage and pedestrian circulation. The fact that a site plan complies with all of the stated general regulations, development standards or other requirements of the zone shall not, by itself, be deemed to create a presumption that the proposed site development plan is, in fact compatible with adjacent land uses and development and, in itself, shall not be sufficient to require approval of the site plan;

- (k) To require that, as a condition to the issuance of building permits, bonds or other financial security or instrument be posted with the city, satisfactory to the city manager, to ensure the construction and/or maintenance of approved on-site, private recreational facilities, amenities, buildings and areas, and any landscaping, screening, access and parking elements being part of the approved site plan. Prior to releasing any bond or letter of credit required for elements of an approved site plan, the city manager shall provide an opportunity for interested property owners, citizen groups, and representatives of common ownership communities to provide comment concerning any perceived defects in bonded construction. Such comment must be received by the city within thirty (30) days of permittees request for release of bonds under this chapter. The city manager or his designee shall promulgate administrative procedures for notification of interested property owners, citizens groups and representatives of common ownership communities. The decision of the city manager as to this release of any bond or letter of credit shall be final and shall not be subject to any administrative appeal or review procedures provided for in sections 24-181 and 24-187(a) of the City Code. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heir and assigns relinquish all claim to said cash bond; and
- (l) To require that property be subdivided, resubdivided or replatted and in connection therewith, require dedication of portions of the land to public use, subject to site plan review for public improvements reasonably related to serving the residents, workers, patrons or visitors of the property or to impose a fee for the same in lieu of dedication.
- (2) The processing, public hearing or decision of any pending site development plan for property not in the MXD Zone or an amendment thereto may, after recommendations are received from the city planning department, be postponed or deferred by resolution approved by not less than four (4) members of the city planning commission when, in the discretion of the city planning commission, the pendency of any master plan amendment, transportation plan amendment, zoning and planning study, or capital improvement program or project or amendment thereto may substantially affect applications for site plan approval under consideration, and promote the orderly development of land within the city, as well as the efficient and economical processing of such applications. This provision shall apply to the MXD Zone only where a pending master plan amendment reflects recommendations for a different zoning district, land use or density level, or revised major transportation or other major public facilities improvements. A pending site development plan application may be deferred until the earlier of either:
- (a) The final disposition by the city council of the pending master plan amendment, transportation plan amendment, zoning and planning study, or capital improvements program or project or amendment thereto; or

- (b) In the discretion of the city planning commission, the elimination of any conflicts between the pending site development plan and the pending master plan amendment, transportation plan amendment, zoning and planning study, or capital improvements program or project; or
- (c) Twelve (12) months from the effective date of the resolution postponing or deferring the application.

The terms "pendency" or "pending" shall, for the purposes of this section, mean:

- (i) *Master plan and transportation plan amendments*—From and after public release of a staff draft of the amendment until final action thereon by the city council.
- (ii) *Zoning and planning study*—From and after direction by resolution of the city council or the city planning commission to city staff to undertake such study until such time as the study is completed and released by city staff to the requesting agency and said agency has concluded its review, including further instructions to staff, if any.
- (iii) *Capital improvements program or project*—From and after publication of any proposed capital improvements program, project, or an amendment thereto until final action thereon by the city council.

The provisions of this section shall not apply to minor amendments to existing approved site development plans recommended for processing and approval by the city planning department, or where a site plan or amendment thereto is necessary to conform to an order of a city enforcement officer or agency to correct a zoning ordinance violation.

Any cost of readvertisement for an application postponed or deferred by the city planning commission under this section shall be borne by the city.

(Res. No. R-19-66; Ord. No. O-12-78, § 1; Ord. No. O-19-80; Ord. No. O-15-85, 11-4-85; Ord. No. O-13-95, 7-24-95; Ord. No. O-25-95, 11-6-95; Ord. No. O-9-00, 7-17-00; Ord. No. O-13-00, 8-23-00)

Editor's note—The provisions of this amendment to Article V, section 24-171(k) of Chapter 24 of the City Code shall remain in effect until December 31, 2002 and shall thereafter terminate unless prior thereto, the city council shall adopt an ordinance to extend the effect of this amendment.

Sec. 24-172. Compliance with and changes in plan.

(a) *Compliance requirements.* Land which is the subject of an approved site development plan shall be developed and used only in accordance with the approved plan or in accordance with amendments to said plan approved in accord with the provisions of this chapter. The approvals of site development plans or amendments thereto may contain such conditions as are necessary to ensure compliance with the requirements of this chapter or which are in the public interest. Use and development of land which is the subject of the site development plan or the construction of a building or structure thereon in a manner not in compliance with that plan is prohibited and shall constitute a violation of this chapter.

(b) *Requests for amendment of site development plans.* A request for amendment shall be accompanied by so much of the information required by section 24-169 as is necessary to properly detail and permit action upon the request for amendment. At the time the application for amendment is filed, the applicant shall pay the prescribed fee for processing the request. Minor amendment requests shall be those requests specified in subsection (c) of this section and shall be acted upon by the planning director or his/her designee. The applicant for a minor amendment shall provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of abutting and confronting properties of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department. All amendment requests, except for minor amendments, shall be subject to public hearing and decision by the city planning commission.

(c) *Minor amendment requests.*

- (1) Requests for minor amendment shall be filed with and acted upon by the planning director or his/her designee. Requests for minor amendment include:
 - (a) Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction.
 - (b) Resiting of a lot with a house type previously approved by the city planning commission.
 - (c) Approval of retaining walls/fences and other enclosures.
 - (d) Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings (other than item (b) above).
 - (e) Minor signage changes or additions.
 - (f) Minor landscaping or pedestrian and sidewalk access revisions.
 - (g) Addition of easements and parking areas or correction of easement and parking area locations.
 - (h) Revisions to forest conservation plan.
 - (i) Revisions or amendments delegated by the city planning commission.
- (2) Public hearings of the planning commission are not required for a minor amendment, provided, however, the planning director or his/her designee shall, upon request, meet with the applicant and interested parties or consider written comments on the amendment.
- (3) A minor amendment may only be granted if:
 - (a) The amendment does not violate the development standards of the property's zoning or increase the lawful nonconformity of any lot or building; and

- (b) The amendment is in general harmony with the architectural and site design characteristics of the approved site development plan; and
 - (c) The amendment will not substantially impair the intent, purpose or integrity of the neighborhood or the planning documents for the applicable area.
 - (4) The decision of the planning director (or designee) may be appealed to the city planning commission if filed with the planning department, in writing, within fifteen (15) days after the decision is mailed by the planning director. The planning commission, in its discretion, may hold a public hearing on the decision of the planning director, or order written statements and oral argument in lieu of a public hearing. The planning commission may approve, approve with modification, or disapprove the requested amendment(s) and shall state the reasons for its action.
- (Res. No. R-19-66; Ord. No. O-15-93, 11-1-93; Ord. No. O-4-01, 3-5-01)

Sec. 24-173. Development of property subject to plan.

(a) One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within three hundred sixty-five (365) days after the date of approval of the plan or the plan shall become void; provided, that the planning Commission may extend such time upon request filed within such three hundred sixty-five (365) days and may grant further extensions upon request filed within the period of any extension; provided, that the total length of such extensions shall not exceed two (2) years. [Where the site development plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more of such buildings has been commenced.]

(b) Where an approved site development plan is the subject of an administrative appeal pursuant to § 24-242, or where a site development plan is approved pursuant to a schematic development plan and that schematic development plan is the subject of an administrative appeal pursuant to §24-242, the planning commission may grant further extensions of the site development plan upon request filed during the pendency of such administrative appeal and within the period of any extension; provided, that the total length of all such additional extensions shall not exceed two (2) years. The additional extensions allowed by this subsection (b) shall apply to all timely filed requests for extensions filed by May 1, 2004.

(c) Where the site development plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more of such buildings has been commenced.

(Res. No. R-19-66; Ord. No. O-11-04, 6-7-04)

Sec. 24-174. Waiver of required information.

The city manager is hereby authorized to permit the submission of a proposed site development plan, omitting one or more of the items of information required by section 24-169,